

BLUE FOLDER ITEM

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CITY COUNCIL MEETING October 19, 2021

H.17 APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF REDONDO BEACH AND STRUMWASSER & WOOCHEER LLP

ADOPT BY 4/5 VOTE AND BY TITLE ONLY A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, MODIFYING THE BUDGET FOR FISCAL YEAR 2021-22 TO APPROPRIATE \$130,000 FROM THE PERS RESERVE FUND TO CREATE A PROJECT ACCOUNT FOR THE LEGAL EXPENSES ASSOCIATED WITH THE CITY'S VARIOUS ACTIONS OPPOSING STATE EFFORTS TO LIMIT LOCAL LAND USE AUTHORITY

APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF REDONDO BEACH AND STRUMWASSER & WOOCHEER LLP

ADOPT BY 4/5 VOTE AND BY TITLE ONLY RESOLUTION CC-2110-101, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, MODIFYING THE BUDGET FOR FISCAL YEAR 2021-22 TO APPROPRIATE \$130,000 FROM THE PERS RESERVE FUND TO CREATE A PROJECT ACCOUNT FOR THE LEGAL EXPENSES ASSOCIATED WITH THE CITY'S VARIOUS ACTION OPPOSING STATE EFFORTS TO LIMIT LOCAL LAND USE AUTHORITY

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

Attached is the following document:

- 1) Administrative Report
- 2) First Amendment to Agreement for Legal Services with Strumwasser & Woocher LLP
- 3) Budget Modification Resolution



Administrative Report

Council Action Date: October 19, 2021

To: MAYOR AND CITY COUNCIL

From: MICHAEL W. WEBB, CITY ATTORNEY

Subject: FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES WITH STRUMWASSER & WOOCHELL LLP AND ACCOMPANYING BUDGET MODIFICATION RESOLUTION TO FUND LEGAL EXPENSES FOR VARIOUS ACTIONS ASSOCIATED WITH OPPOSING STATE EFFORTS TO LIMIT LOCAL LAND USE AUTHORITY

RECOMMENDATION

Approve the First Amendment to the Agreement for Legal Services with Strumwasser & Woocher LLP

Approve a Resolution of the City Council of the City of Redondo Beach, California, modifying the Budget for Fiscal Year 2021-22 to appropriate \$130,000 from the PERS Reserve Fund to create a project account for the legal expenses associated with the city's various actions opposing state efforts to limit local land use authority

EXECUTIVE SUMMARY

This First Amendment to the Agreement for Legal Services with Strumwasser & Woocher LLP will amend the billing rates for the attorneys who will be working on the legal action opposing SB 10.

The budget needs to be modified to fund the legal expenses associated with the various legal actions opposing state efforts to limit local land use authority.

BACKGROUND

The Mayor and City Councilmembers have each expressed unanimous opposition to the State of California's efforts to limit local land use authority. The City of Redondo Beach recently announced its decision to join with the Orange County Cities Council of Governments (OCCOG) in a Writ of Mandate Petition seeking to have the Superior Court direct HCD to vacate and set aside its RHNA determination for the SCAG region. Redondo Beach was the first city to join the OCCOG petition and subsequently five others have joined. The legal fees and costs in the case will be split making this an efficient way to challenge the RHNA numbers.

Administrative Report**October 19, 2021**

First Amendment to Legal Services Agreement with
Strumwasser & Woocher LLP
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Similarly, tonight, on the closed session agenda is another case that is challenging the constitutionality of SB 10. If the City Council decides to join that case as a plaintiff, the legal fees and costs will also be split between the plaintiffs. This amendment to the legal services agreement with Strumwasser & Woocher and the Budget modification necessary to pay for the lawsuit will need to be approved.

Strumwasser & Woocher is known for its successful trial and appellate litigation of major public-policy and public-interest matters. Strumwasser & Woocher represents several clients, including political action committees and candidates, state and local governments and public agencies, environmental and consumer advocacy organizations, and labor unions.

Fredric Woocher ("Woocher") is Senior Counsel for the firm and has litigated a broad range of public interest issues involving land-use, environmental law, hazardous substances regulation, First Amendment protection, and civil rights cases. Woocher was nominated by President Clinton to serve as United States District Court Judge for the Central District of California, but the nomination expired. Woocher will be the principal contact for this engagement and will be in charge of all aspects of the firm's service to the City.

COORDINATION

The First Amendment has been approved by Woocher of Strumwasser & Woocher and has been approved as to form by the City Attorney's Office. The budget modification was coordinated with the City Manager's Office.

FISCAL IMPACT

A budget modification is necessary to fund the legal expenses associated with the various actions to oppose State efforts to limit local land use authority. The necessary funds will come from the CALPERS Reserve Fund.

Submitted by:

Michael W. Webb
City Attorney

Attachments:

- 1) First Amendment to Agreement for Legal Services with Strumwasser & Woocher LLP
- 2) Budget Modification Resolution

**FIRST AMENDMENT TO THE AGREEMENT
FOR LEGAL SERVICES BETWEEN THE CITY OF REDONDO BEACH
AND STRUMWASSER & WOOCHEER LLP**

This First Amendment to the Agreement for Legal Services ("First Amendment") is made between the City of Redondo Beach, a chartered municipal corporation ("City") and Strumwasser & Woocher LLP ("Attorney").

WHEREAS, on February 11, 2020, the parties entered into the Agreement for Legal Services between the City and Attorney (the "Agreement"); and

WHEREAS, the parties desire to amend the compensation for the Attorney.

NOW THEREFORE, in consideration of the promises and mutual covenants contained herein, and intending to be legally bound, the parties hereby agree to make the following amendments to the Agreement:

1. SECTION 3.1 Compensation Amount. Section 3.1 of the Agreement is hereby amended to adjust Attorney rates as follows:

Senior Partner: \$425
Junior Partner: \$375
Senior Assoc: \$325
Mid-Level Assoc: \$275
Junior Assoc: \$225
Analysts: \$160
Paralegal: \$110
Law clerk: \$90

In the matter entitled AIDS Healthcare Foundation v. Rob Bonta et al., LASC Case Number 21STCP03149, challenging the constitutionality of SB 10, legal costs will be equally split between the City and AIDS Healthcare Foundation. The Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief in the above action is attached hereto as Exhibit A. The rates set forth herein represent a substantial discount from the rates extended to other public entities and Attorney's commercial clients. These rates are offered in recognition of the possibility of seeking an award of attorneys' fees pursuant to Code of Civil Procedure section 1021.5 if the referenced litigation is successful.

2. No Other Amendments. The Agreement and this First Amendment constitute the entire agreement between the parties and supersede any previous oral or written agreement with respect to the subject matter hereof. In the event of any inconsistency between the terms of the Agreement and this First Amendment, the terms of this First amendment shall govern.

SIGNATURES ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, the parties have executed this First Amendment in Redondo Beach, California, as of this 19th day of October, 2021.

CITY OF REDONDO BEACH,
a chartered municipal corporation

STRUMWASSER & WOOCHELL LLP
a California Limited Liability Partnership

William C. Brand, Mayor

By: 
Name: Beverly Grossman Palmer
Title: Partner

ATTEST:

APPROVED AS TO FORM:

Eleanor Manzano, City Clerk

Michael W. Webb, City Attorney

Exhibit “A”

FREDRIC D. WOOCHEER (SBN 96689)
 BEVERLY GROSSMAN PALMER (SBN 234004)
 STRUMWASSER & WOOCHEER LLP
 10940 Wilshire Boulevard, Suite 2000
 Los Angeles, California 90024
 Telephone: (310) 576-1233
 Facsimile: (310) 319-0156
 E-mail: bpalmer@strumwooch.com

Attorney for Petitioner and Plaintiff
AIDS Healthcare Foundation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

AIDS HEALTHCARE FOUNDATION,

Petitioner/Plaintiff,

v.

ROB BONTA, in his official capacity as
 California Attorney General; STATE OF
 CALIFORNIA; and DOES 1 to 100, inclusive,

Respondents/Defendants.

Case No.: **21STCP03149**

**VERIFIED PETITION FOR WRIT OF
 MANDATE AND COMPLAINT FOR
 INJUNCTIVE AND DECLARATORY RELIEF**

(Code Civ. Proc., §§ 525, 1060, 1085)

INTRODUCTION

1. Petitioner and Plaintiff AIDS Healthcare Foundation (“Petitioner” or “AHF”) brings this litigation to enforce the long-standing right of initiative that is a fundamental power reserved in the California Constitution to be exercised by the people of this State. The courts of this State have described the initiative power as “one of the most precious rights of our democratic process.” (See *City of Fresno v. Fresno Building Healthy Communities* (2020) 59 Cal.App.5th 220, 227, citing *Associated Home Builders [Etc.], Inc. v. City of Livermore* (1976) 18 Cal.3d 582, 591.) The initiative has long served as a bulwark against unresponsive government, providing an effective tool for the people to deploy when their elected officials fail to heed their concerns.

2. The California Constitution provides in article II, section 10, that the Legislature may amend an initiative statute only when approved by a vote of the electorate, unless the initiative expressly permits legislative amendment. The courts have made clear that a fundamental feature of the constitutional right to initiative is the power to maintain the vitality of the initiative measure against future, potentially hostile, legislative bodies. Since 1912, the same prohibition on amendments has been applied to local governments, in recognition of the constitutional commandment that an initiative has the power to bind both present and future governing legislative bodies.

3. In an unprecedented assault against the power of citizens to enact effective local initiatives, the Legislature and the Governor have enacted Government Code section 65913.5, otherwise known as Senate Bill 10 (“SB 10”), which allows local governments to disregard the provisions of duly-enacted initiative measures that affect planning and land use in local jurisdictions.

4. By enacting SB 10, the State has eviscerated the fundamental protection against subsequent legislative amendment of initiatives without a vote of the people. Under SB 10, a local government may ignore the land-use restrictions included in a local initiative and rezone real properties to increase their allowable residential density, regardless of express local procedures, prohibitions, or conditions that the people established via initiative ordinance.

5. Potentially scores of local initiatives across the State, reflecting the will of the voters in numerous cities and counties, could be cast aside by local government as a result of the enactment of SB 10. The California Constitution and its reservation of the initiative power to the people mandates that

1 initiatives measures, once adopted by the people, remain in force according to their terms and may not
2 be amended or ignored by local officials without a vote of the people.

3 6. What's more, SB 10 effectively will discourage future initiatives. Why would citizens
4 put time, effort, and money into an initiative, if the measure can simply be disregarded once enacted?
5 Without a judicial declaration regarding the unconstitutionality of SB 10, this statute could usher in a
6 new legislative tactic permitting the disregard of any kind of local initiative, so long as the State deems
7 it to touch upon a subject of a statewide concern. The voters who adopted local initiatives for years have
8 been told that such measures (so long as they are valid) may not be altered except by a vote of the
9 people, so the certainty and predictability in enacting such measures is grievously threatened by statutes
10 like SB 10.

11 7. Petitioner brings this action to challenge the provisions of Government Code section
12 65913.5 that specifically allow for local governments to disregard duly-enacted initiative measures
13 without a vote of the people. This law, on its face, is unconstitutional because it allows the amendment
14 of an initiative without requiring a vote of the people prior to this action. Petitioner therefore seeks a
15 writ of mandate and injunctive relief, preventing the enforcement of this provision, and a declaration
16 that Government Code section 65913.5 is unlawful and unenforceable.

17 **PARTIES**

18 8. PETITIONER and PLAINTIFF AIDS HEALTHCARE FOUNDATION is a California
19 non-profit organization providing cutting-edge medicine to and advocacy for people living with HIV
20 and AIDS. Since the late 1980s, AHF has been involved in providing affordable housing, initially in the
21 form of hospice care, to people in need. In 2017, AHF launched the Healthy Housing Foundation
22 ("HHF"), to provide decent housing units affordable to low-income people. HHF currently operates
23 eight multi-unit housing complexes, housing many hundreds of people, in Los Angeles County.

24 9. Petitioner commented in opposition to SB10 and requested amendment of the measure to
25 remove the provisions allowing local governments to override local initiative measures. Petitioner,
26 through its Housing is a Human Right program, also expended financial resources to conduct polling on
27 SB 10 as part of Petitioner's efforts to persuade the Legislature and the Governor not to enact SB 10.

28 10. From its earliest inception, Petitioner has been engaged in aspects of the initiative

process, both in California and in other jurisdictions. In 1986, AHF led the opposition to Proposition 64, a statewide ballot measure that would have physically quarantined and detained people with HIV or AIDS. Petitioner has invested significant financial and other resources in initiative measures over the last 10 years in California. These include Measure B, a 2012 Los Angeles County initiative regarding the use of condoms in the adult film industry; San Francisco Measure D, a 2013 initiative regarding drug pricing; Proposition 60, a 2016 statewide initiative measure regarding the use of condoms in the adult film industry; Proposition 61, a 2016 statewide initiative regarding drug pricing; Measure S, a City of Los Angeles land-use planning initiative; Proposition 10, a 2018 statewide initiative regarding rent control; and Proposition 21, a 2020 statewide initiative regarding rent control. AHF has also worked with proponents of local ballot measures related to AHF's core missions including proponents of rent control initiatives in a number of California jurisdictions. Petitioner fully expects to continue to marshal the power of initiative at the state and local levels, either alone or in partnership with other organizations, to further objectives consistent with AHF's mission.

11. Petitioner is seriously concerned about how SB 10 empowers local officials to overturn local initiatives without a vote of the people.

12. Petitioner brings this action as a private attorney general, with no expectation of pecuniary gain as a result of any outcome in this litigation. Petitioner brings this action on behalf of the proponents of the numerous local initiatives across the State, whose proponent committees may have been long shuttered and whose funds are likely long depleted, to ensure that the constitutional right to initiative is respected. Petitioner brings this action also on behalf of the people who voted for those initiatives and all people who have expected to be able to exercise the franchise to vote on similar measures in the future.

13. RESPONDENT and DEFENDANT ROB BONTA is the Attorney General of the State of California. The Attorney General is the chief law officer of the State. The Attorney General has the duty to see that the laws of the State are uniformly and adequately enforced. The Attorney General is sued in his official capacity as Attorney General of the State of California.

14. RESPONDENT and DEFENDANT STATE OF CALIFORNIA (together with Attorney General Bonta, "Respondent") is a U.S. state. Suits may be brought against the State, under article III,

1 section 5 of the California Constitution. The State is named as Co-Respondent and Co-Defendant in an
2 abundance of caution, in the event that the Attorney General disclaims responsibility for enforcing SB
3 10.

4 15. Petitioner and Plaintiff is unaware of the true names and capacities of RESPONDENT
5 and DEFENDANT DOES 1 through 100, inclusive, and they are therefore sued by fictitious names
6 pursuant to Code of Civil Procedure section 474. Petitioner alleges on information and belief that each
7 such fictitiously named Respondent is responsible or liable in some manner for the events and
8 happenings referred to herein, and Petitioner will seek leave to amend this Petition to allege their true
9 names and capacities after the same have been ascertained.

10 JURISDICTION AND VENUE

11 16. This Court has original jurisdiction over this matter pursuant to article VI, section 10, of
12 the California Constitution, and section 1085 of the Code of Civil Procedure.

13 17. Venue is proper in this Court pursuant to Code of Civil Procedure section 401,
14 subdivision (1), because the Attorney General maintains an office in Los Angeles County.

15 FACTUAL BACKGROUND

16 18. On September 16, 2020, Governor Gavin Newsom signed into law SB 10, which adds
17 section 65913.5 to the Government Code.

18 19. Government Code section 65913.5, subdivision (a), allows a local government, including
19 a charter city or a charter county, to adopt an ordinance to zone a land parcel for up to 10 units of
20 residential density (per parcel), for a parcel located in a transit-rich area or an urban infill site, with
21 limited exceptions for a parcel within a very high fire-hazard severity zone. A local government may
22 approve such an ordinance “[n]otwithstanding any local restrictions on adopting zoning ordinances
23 enacted by the jurisdiction that limit the legislative body’s ability to adopt zoning ordinances, including
24 . . . restrictions enacted by local initiative” (emphasis added).

25 20. Government Code section 65913.5, subdivision (a)(4)(B), exempts only a “local
26 restriction enacted or approved by a local initiative that designates publicly owned land as open-space
27 land . . . or for park or recreational purposes.” Any other local initiative restriction not relating to
28 publicly owned land for open-space or park or recreational purposes, including either procedural or

substantive requirements or restrictions on zone changes in urbanized or transit-rich areas, is subject to being cast aside by SB 10's grant of authority of local government to approve such zone changes "notwithstanding any local restrictions on adopting zoning ordinances."

21. Government Code section 65913.5, subdivision (b)(4), provides that "[i]f the ordinance supersedes any zoning restriction established by a local initiative, the ordinance shall only take effect if adopted by a two-thirds vote of the members of the legislative body."

22. Government Code section 65913.5 contains no severability clause.

23. While this new law requires a two-thirds majority vote of the relevant legislative body to override the intent of the voters in adopting an initiative, the law binds the hands of future legislative bodies once a zone change is approved, providing in subdivision (d)(2) that "a legislative body that adopts a zoning ordinance pursuant to this section shall not subsequently reduce the density of any parcel subject to the ordinance."

24. Numerous parties, including Petitioner, objected to the inclusion of these initiative-override provisions in SB 10. The objectors included local governments such as the City of Beverly Hills and the City of Santa Monica, whose comments were summarized in the legislative analysis of SB 10, and which comments focused exclusively on the measure's undermining of local initiatives. As stated in a June 30, 2021, report by the Assembly Committee on Local Government, the City of Santa Monica wrote, "[w]hile this measure seeks to address California's housing crisis by providing local governments with an additional tool to increase housing production in their jurisdictions it fails to ensure local governments are not able to overturn the democratic will of their residents. For example, in 2014, voters in the City of Santa Monica approved Measure LC which was designed to require voter approval for any alternate or new developments on the site of the former Santa Monica Airport, except parks, open space and recreational areas. Such initiatives are one of the most direct means that voters have of expressing their will for their communities and allowing an elected body to overturn these initiatives would be an affront to the democratic process."

FIRST CAUSE OF ACTION
Writ of Mandate
(Code Civ. Proc., § 1085)

25. Petitioner hereby re-alleges and incorporates by reference herein the allegations in the

1 preceding paragraphs.

2 26. Article IV, section 1, of the California Constitution provides that “[t]he legislative power
3 of this State is vested in the California Legislature . . . but the people reserve to themselves the powers
4 of initiative and referendum.”

5 27. Article II, section 10, of the California Constitution provides that “[t]he Legislature may
6 amend or repeal an initiative statute by another statute that becomes effective only when approved by
7 the electors unless the initiative statute permits amendment or repeal without the electors’ approval.”

8 28. Article II, section 11, of the California Constitution provides that “[i]nitiative and
9 referendum powers may be exercised by the electors of each city or county under procedures that the
10 Legislature shall provide.”

11 29. As the California courts have explained (see, e.g., *Brookside Investments, Ltd. v. City of*
12 *El Monte* (2016) 5 Cal.App.5th 540, 550-51) since these provisions were adopted in 1911, the same
13 principle that initiative measures may not be repealed or amended absent a vote of the electorate has
14 been applied to all local initiative measures.

15 30. Elections Code section 9125 provides that no County “ordinance proposed by initiative
16 petition and adopted either by the board of supervisors without submissions to the voters or adopted by
17 the voters shall be repealed or amended except by a vote of the people, unless provision is otherwise
18 made in the original ordinance.”

19 31. Elections Code section 9217 establishes the same provisions for municipal initiatives,
20 stating that “[n]o ordinance that is either proposed by initiative petition and adopted by the vote of the
21 legislative body of the city without submission to the voters or adopted by the voters, shall be repealed
22 or amended except by a vote of the people, unless provision is otherwise made in the original
23 ordinance.”

24 32. As set forth above, as enacted by SB 10, Government Code section 65913.5, subdivision
25 (a)(1), provides that local governments may adopt certain zoning ordinances for land parcels in transit-
26 rich or urbanized areas, “notwithstanding any local restrictions on adopting zoning ordinances enacted
27 by the jurisdiction . . . including . . . restrictions enacted by local initiative.”

28 33. Local initiatives affecting land-use planning are among the most common uses of the

1 initiative power. Examples of initiatives imposing restrictions on the ability to adopt zoning ordinances
2 are found throughout the State. Some of these measures were adopted more than 20 years ago and serve
3 important functions in guiding the locations of new developments in their communities.

4 34. In Los Angeles County, land use planning initiatives that impose limitations and
5 restrictions on the local legislative body's enactment of zoning ordinances exist in, *inter alia*, the City of
6 Los Angeles (Proposition U and Measure JJJ); the City of Santa Monica (Measure LC); the City of
7 Redondo Beach (Charter Initiative Amendment DD; Measure C); the City of Monrovia (Measure A);
8 and the City of Sierra Madre (Measure V). All of these initiative measures either require a vote of the
9 people for amendment or repeal, or permit only limited amendments consistent with the purpose of the
10 initiative measure.

11 35. SB 10 would allow any of these restrictions or procedures established by these Los
12 Angeles County city-level initiatives to be disregarded in order to enact a zoning ordinance permitting
13 up to 10 residential units per parcel for land parcels in transit-rich or urbanized areas, qualifications that
14 are applicable to much of Los Angeles County.

15 36. Numerous commenters raised concerns to the Legislature regarding the constitutionality
16 of the initiative provision in SB 10. Nevertheless, the Legislature insisted upon including the provisions
17 in the law, and did not include a severability clause, raising the clear inference that the Legislature
18 wanted to enact SB 10 only with the unconstitutional provisions relating to local initiative measures.

19 37. Petitioner has invested time, money, and effort into drafting, circulating, and promoting
20 initiative measures at both the local and state levels. Petitioner has demonstrated a commitment to the
21 use of the initiative power to address important social issues, including relating to housing and land use.
22 Petitioner acts to preserve the important aspect of the initiative power that prevents the (valid) laws and
23 policies established by initiative from being amended or repealed without a subsequent vote of the
24 people. Petitioner has a direct and beneficial interest in the action herein and has exhausted all other
25 available remedies.

26 38. Respondent has a clear, present, and ministerial duty to administer the California
27 Constitution and the laws of the State of California without violating the right to initiative reserved to
28 the people in Article IV, section 1, of the California Constitution. Unless restrained, the enforcement of

1 SB 10 will allow local governments to disregard the provisions of local initiative measures and enact
2 zoning ordinances without compliance with the provisions of those initiative measures.

3 39. Petitioner has a beneficial right to Respondent's performance of those duties based on
4 Petitioner's interest in exercising the constitutional right of initiative against amendment or repeal by
5 local government without a subsequent vote of the people.

6 40. Petitioner has no plain, speedy, and adequate remedy at law, in that unless this Court
7 enjoins Respondent, local governments may disregard the restrictions of local initiative measures when
8 enacting zoning ordinances under SB 10. No amount of monetary damages or other legal remedy can
9 adequately compensate Petitioner for the irreparable harm that Petitioner and the public at large will
10 suffer from the violations of law described herein.

11 **SECOND CAUSE OF ACTION**

12 **Declaratory Relief** 13 **(Code Civ. Proc., § 1060)**

14 41. Petitioner hereby re-alleges and incorporates by reference herein the allegations in the
15 preceding paragraphs.

16 42. A dispute has arisen between Petitioner and Respondents, in that Petitioner believes and
17 contends, for the reasons set forth in the cause of action above, that SB 10's provisions regarding local
18 initiatives violate the constitutional right of initiative. Petitioner is informed and believes, and on that
19 basis contends, that Respondent, as the chief law enforcement official of the State of California,
20 contends or will take public positions in all respects to the contrary.

21 43. A judicial declaration as to the legality of SB 10's provisions allowing local governments
22 to disregard the restrictions of local initiative measures applicable to the adoption of zoning ordinances
23 is therefore necessary and appropriate to determine the respective rights and duties of the parties.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Petitioner prays for judgment relief as follows:

26 1. That this Court issue a peremptory writ of mandate commanding Respondent to cease
27 enforcement of SB 10, including those that permit local government to disregard restrictions of local
28 initiative measures in order to adopt zoning ordinances free from such restrictions;

2. That this Court enjoin Respondent from enforcing SB 10, including permitting local

1 government to disregard the restrictions contained in local initiative measures, to adopt zoning
2 ordinances free from such restrictions;

3 3. That this Court issue declaratory relief that the provisions of SB 10 that permit local
4 government to disregard the substantive or procedural limitations of local initiative measures are in
5 violation of the right to initiative that is reserved to the people in the California Constitution;


6 4. That this Court award Petitioner costs and attorneys' fees pursuant to Code of Civil
7 Procedure section 1021.5 or other applicable law; and

8 5. That this Court grant Petitioner such other, different, or further relief as the Court may
9 deem just and proper.

10 Dated: September 22, 2021

Respectfully submitted,

11 STRUMWASSER & WOOCHELL LLP
12 Fredric D. Woocher
13 Beverly Grossman Palmer

14 By: 
15 Beverly Grossman Palmer
16 *Attorneys for Petitioner and Plaintiff*
17 *AIDS Healthcare Foundation*
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VERIFICATION

I, Michael Weinstein, declare:

I am President of Petitioner and Plaintiff AIDS Healthcare Foundation. I am authorized to make this verification for Petitioner and Plaintiff AIDS Healthcare Foundation.

I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief and know the contents thereof. Said contents are known to me to be true except those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22 day of September, 2021 at Los Angeles, California.



Michael Weinstein

RESOLUTION NO. CC-2110-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, MODIFYING THE BUDGET FOR FISCAL YEAR 2021-22 TO APPROPRIATE \$130,000 FROM THE CALPERS RESERVE FUND TO CREATE A PROJECT ACCOUNT FOR THE LEGAL EXPENSES ASSOCIATED WITH THE CITY'S VARIOUS ACTIONS OPPOSING STATE EFFORTS TO LIMIT LOCAL LAND USE AUTHORITY

WHEREAS, it is the intention of the City Council of the City of Redondo Beach ("City") to review the adopted budget from time to time; and

WHEREAS, the City's adopted budget needs to be modified from time to time to appropriate monies from federal grants to City funds for allowable expenditures; and

WHEREAS, the State has continued to limit local land use authority; and

WHEREAS, the City Council has approved the City's participation in various actions to oppose State efforts; and

WHEREAS, the City's adopted budget needs to be modified to appropriate the unanticipated monies to fund the legal expenses associated with the actions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the amounts allocated in the budget for Fiscal Year 2021-2022 and the amounts required to meet conditions which have arisen during the budget year, require a modification in budget appropriations; and, upon recommendation of the City Manager, the budget appropriation as adopted for Fiscal Year 2021-2022 is modified to appropriate \$130,000 from the CalPERS Reserve Fund to create a project account for the legal expenses associated with the city's various actions opposing state efforts to limit local land use authority.

SECTION 2. Pursuant to Section 11(f) of the City Charter, the City Clerk is hereby directed and instructed to correct the budget records of said City for Fiscal Year 2021-2022 in accordance with the above modifications.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED AND ADOPTED this October 19th 2021.

William C. Brand, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Resolution No. CC-2110-101 was passed and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the October 19th, 2021, and there after signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk